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EXAMINER

MONFELDT, SARAH M

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3692

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/567,431	Applicant(s) BARTHELEMY, SERGE	
	Examiner SARAH M. MONFELDT	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-5 and 7-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7 March 2008</u> . | 6) <input type="checkbox"/> Other: _____ |

***DETAILED ACTION
Status of Claims***

1. This action is in reply to the Amendment filed on 7 March 2008.
2. Claims 1-3, 5, 7-10, 12-19, 22, 25 were amended.
3. Claims 6, 26-28 were canceled.
4. Claims 1-5, 7-25 are currently pending and have been examined.

Information Disclosure Statement

5. The Information Disclosure Statement filed on 7 March 2008 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

Claim Objections

6. Claims 1-2, 5, 19 are objected to because of the following informalities:
 - a. Claims 1, 5, 19 are objected for at least the following reasons:
 - i. These claims do not set separate the preamble from the body of the claim, i.e. the claims lack a transitional phrase (comprising). Furthermore, the claims do not set forth the proper method or system elements. Appropriate correction is required.
 - b. Claim 2 is objected for at least the following reasons:
 - i. proper alternative recitation is either "consisting of A, B, and C" or "selected from A, B, or C". Appropriate correction is required.
 - c. Claims 3, 5, 7-8, 10-12, 19-20 are objected for at least the following reasons:
 - i. The above claims have terms within the claims that start with capital letters, i.e. Transaction Processing Platform, etc. Applicants are reminded that claims being with a capital letter and end with a period. Appropriate correction is required.
 - d. Claims 1, 5, 19 are objected for at least the following reasons:
 - i. The claims contain inconsistent terminology, i.e. "wireless telephony network" and "network", which appear to be directed to the same element. The Examiner requests Applicants review claims for further inconsistencies and amend as appropriate. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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8. Claims 1-5, 7-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Vague & Indefinite:

- a. Claim 1 recites the limitation "said network" in lines 4 and 7. Is this the same as "a wireless telephone network" recited in the preamble and line 5? Appropriate clarification and correction is required.
- b. Claim 3 recites the limitation "approve or reject" in line 2. Is this the same "approval or rejection of payment by the payee" occurring in claim 2? Appropriate clarification and correction is required.
- c. Claims 10-11 recite the limitation "the system". Is this recitation referring to the claimed system, an additional element of the system, or is it attempting to include something further within the claimed "system" of independent claim 5 directed to "a system"? Appropriate clarification and correction is required.

Antecedent Basis:

- d. Claim 1 recites the limitation "said network" in line 4. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.
- e. Claim 5 recites the limitation "that's subscribers account" in line 8. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.
- f. Claims 7-8 recite the limitation "the rule". There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.
- g. Claims 9-10, 12-18 recite the limitation "said special list". There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.
- h. Claims 9, 12 recite the limitation "said subscriber's mobile telephony communication device". There is insufficient antecedent basis for this limitation in the claim.
- i. Claims 13-18 recites the limitation "the rule". There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.
- j. Claim 14 recites the limitation "the payer's account". There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Omitting Steps:

- k. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: In particular the claims do not set forth any method steps. Appropriate correction is required.

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Omitting Elements:

- I. Claims 5, 7-25 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: In particular the claims do not set forth any structural elements of the system. Appropriate correction is required.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Gallagher et al.* (US 2004/0111367) in view of *Adam et al.* (US 2002/0181710).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 1 –

As per claim 1, *Gallagher et al.*, at least at Fig. 2; paragraphs [0024]; [0030]-[0032], disclose *a method for executing financial transactions through a wireless telephony network* having the limitations of:

- *wherein a payment is sent from a payer's mobile telephony communication device via said network to a transaction processing platform connected to the network, to be credited to an account of a payee, and a request for approval is sent from said transaction processing platform via said network to a mobile telephony communication device of the payee, when the payment to the payee is initiated by the payer.*

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Gallagher et al. do not explicitly disclose:

- *a wireless telephony network*

Adam et al. teach *a wireless telephony network* (see at least [0096]-[0111], [0118]-[0120], Figs. 1-2). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Gallagher et al., which teaches WAP enabled browser in the case of a cell phone, PDA or other handheld wireless device, to include Cellular GSM/Wireless Gateway (CGG), Cellular Service Center (CSC), Global System for Mobile Communication (GSM), Short Message Service (SMS), Wireless Application Protocol (WAP) as taught by Adam et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Gallagher et al. in this way since it involves a mobile phone network, allowing customers to purchase goods and services by using a mobile phone (see at least paragraphs [0096]-[0111], [0118]-[0120], Figs. 1-2 of Adam et al.).

Claim 2 –

As per claim 2, Gallagher et al. in view of Adam et al. teaches the method of claim 1 as described above. Gallagher et al., at least at paragraph [0032], further discloses *a method for executing transactions in a system that enables financial transactions through a wireless communication network* having the limitations of:

- *wherein approval or rejection of payment by the payee is validated by inputting authentication data selected from the group comprising a password, finger print authentication, voice authentication, and face authentication.*

Claim 3 –

As per claim 3, Gallagher et al. in view of Adam et al. teaches the method of claim 2 as described above. Gallagher et al., at least at paragraph [0032], further discloses a method for executing transactions in a system that enables financial transactions through a wireless communication network having the limitations of:

- *wherein a decision to approve or reject is sent to said transaction processing platform through the wireless telephony network in a data file containing a digital signature of the content of the file.*

12. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher et al. in view of Adam et al. as applied to claims 1-3 above, and further in view of Grunbok, Jr. et al. (US 6305603).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or

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part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 4 –

As per claim 4, Gallagher et al. in view of Adam et al. teaches the method of claim 3 as described above. Gallagher et al. do not explicitly disclose the following limitations:

- *wherein the data file is encrypted before being sent.*

Grunbok, Jr. et al. teach *wherein the data file is encrypted before being sent* (see at least col. 4, ll. 31-34; col. 5, ll. 3-5, 51-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Gallagher et al. in view of Adam et al. to include encryption of information as taught by Grunbok, Jr. et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Gallagher et al. in view of Adam et al. in this way since encryption can be used to assure security (see at least col. 5, ll. 6-7 of Grunbok, Jr. et al.).

13. Claims 5, 7-8, 11, 13-19, 26, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. (US 2003/0101134) in view of Adam et al. (US 2002/0181710).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 5 –

As per claim 5, Liu et al., at least at paragraphs [0011]; [0022], disclose *a system that enable financial transactions through a wireless telephony network* having the limitations of:

- *wherein a payment is sent from a mobile telephony communication device via said network to a transaction processing platform connected to the network, to be credited to a subscriber to a financial transaction service provided through said transaction processing platform, and wherein said subscriber can establish at least one special list of financial transaction accounts associated with that subscriber's account that implements at least one rule for handling payments associated with that subscribers account that are processed through said transaction processing platform.*

Liu et al. do not explicitly disclose:

- *a wireless telephony network*

Adam et al. teach *a wireless telephony network* (see at least [0096]-[0111], [0118]-[0120], Figs. 1-2). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the

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method of Liu et al., which teaches a mobile phone, a web phone, a pager, a personal digital assistant (PDA), to include Cellular GSM/Wireless Gateway (CGG), Cellular Service Center (CSC), Global System for Mobile Communication (GSM), Short Message Service (SMS), Wireless Application Protocol (WAP) as taught by Adam et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Liu et al. in this way since it involves a mobile phone network, allowing customers to purchase goods and services by using a mobile phone (see at least paragraphs [0096]-[0111], [0118]-[0120], Figs. 1-2 of Adam et al.).

Claim 7 –

As per claim 7, Liu et al. in view of Adam et al. teaches the system of claim 5 as described above. Liu et al., at least at paragraphs [0022]-[0024]; Fig. 2, further discloses a system that enables financial transactions through a wireless communication network having the limitations of:

- *wherein the rule is checked and implemented by said transaction processing platform.*

Claim 8 –

As per claim 8, Liu et al. in view of Adam et al. teaches the system of claim 5 as described above. Liu et al., at least at paragraph [0023], further discloses a system that enables financial transactions through a wireless communication network having the limitations of:

- *wherein the rule is checked and implemented by at least one of a mobile handset or a connectable device and/or a subscriber identity module.*

Claim 11 –

As per claim 11, Liu et al. in view of Adam et al. teaches the system of claim 7 as described above. Liu et al., at least at paragraphs [0024]; [0033], further discloses a system that enables financial transactions through a wireless communication network having the limitations of:

- *wherein all existing special lists in the system are stored in a database or in files managed and/or interfaced with the transaction processing platform.*

Claim 13 –

As per claim 13, Liu et al. in view of Adam et al. teaches the system of claim 7 as described above. Liu et al., at least at paragraphs [0022]; [0030], further discloses a system that enables financial transactions through a wireless communication network having the limitations of:

- *wherein the rule defining said special list is: no transaction allowed with accounts included in this special list.*

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Claim 14 –

As per claim 14, Liu et al. in view of Adam et al. teaches the system of claim 7 as described above. Liu et al., at least at paragraph [0030], further discloses a system that enables financial transactions through a wireless communication network having the limitations of:

- *wherein the rule defining said special list is: no request for approval required in a payer-initiated payment transaction if the payer's account is included in said special list.*

Claim 15 –

As per claim 15, Liu et al. in view of Adam et al. teaches the system of claim 7 as described above. Liu et al., at least at paragraph [0022], further discloses a system that enables financial transactions through a wireless communication network having the limitations of:

- *wherein the rule defining said special list is: only payer-initiated payments from accounts included in said special list shall be rejected.*

Claim 16 –

As per claim 16, Liu et al. in view of Adam et al. teaches the system of claim 7 as described above. Liu et al., at least at paragraph [0030], further discloses a system that enables financial transactions through a wireless communication network having the limitations of:

- *wherein the rule defining said special list is: no payer-initiated payment transaction shall be sent to accounts included in said special list.*

Claim 17 –

As per claim 17, Liu et al. in view of Adam et al. teaches the system of claim 7 as described above. Liu et al., at least at paragraph [0030], further discloses a system that enables financial transactions through a wireless communication network having the limitations of:

- *wherein the rule defining said special list is: no payment request from accounts included in said special list shall be accepted.*

Claim 18 –

As per claim 18, Liu et al. in view of Adam et al. teaches the system of claim 7 as described above. Liu et al., at least at paragraphs [0024]; [0030], further discloses a system that enables financial transactions through a wireless communication network having the limitations of:

- *wherein the rule defining said special list is a combination of at least two rules.*

Claim 19 –

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As per claim 19, Liu et al., at least at paragraphs [0009], [0011], [0022], [0024], disclose a *system that enables financial transactions through a wireless telephony network* having the limitations of:

- *wherein a payment identified by a financial transaction account number of a first subscriber is sent from a mobile telephony communication device of said first subscriber via said network to a transaction processing platform connected to the network, to be credited to a second subscriber to a financial transaction service provided through said transaction platform, and wherein the financial transaction account number of the first subscriber can be read automatically in a wireless manner outside of the telephony network by said second subscriber with an automatic reading method and/or device.*

Liu et al. do not explicitly disclose:

- *a wireless telephony network*

Adam et al. teach a *wireless telephony network* (see at least [0096]-[0111], [0118]-[0120], Figs. 1-2). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Liu et al., which teaches a mobile phone, a web phone, a pager, a personal digital assistant (PDA), to include Cellular GSM/Wireless Gateway (CGG), Cellular Service Center (CSC), Global System for Mobile Communication (GSM), Short Message Service (SMS), Wireless Application Protocol (WAP) as taught by Adam et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Liu et al. in this way since it involves a mobile phone network, allowing customers to purchase goods and services by using a mobile phone (see at least paragraphs [0096]-[0111], [0118]-[0120], Figs. 1-2 of Adam et al.).

14. Claims 9, 10, 12, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. in view of Adam et al. as applied to claims 5, 7-8, 11, 13-19, 26, 28 above, and further in view of Shore (US 2003/149662).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 9 –

As per claim 9, Liu et al. in view of Adam et al. teaches the system of claim 5 as described above. Liu et al. in view of Adam et al. do not explicitly disclose the following limitations:

- *wherein the subscriber can remove from said special list or add to said special list one or more accounts directly from the subscriber's mobile telephony communication device, or by internet.*

Shore teach *wherein the subscriber can remove from said special list or add to said special list one or more accounts directly form the subscriber's mobile telephony communication device, or by internet* (see at least paragraph [0063]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the system of Liu et al. in view of Adam et al. to include one of several credit or bank accounts as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the system of Liu et al. in view of Adam et al. in this way since keeping several account numbers on the PDA allows a user to choose from one of those several account number when making a transaction (see at least paragraph [0063] of Shore).

Claim 10 –

As per claim 10, Liu et al. in view of Adam et al. teaches the system of claim 5 as described above. Liu et al. in view of Adam et al. do not explicitly disclose the following limitations:

- *wherein a subscriber can include in said special list all other financial transaction accounts that exist in the system.*

Shore teach *wherein a subscriber can include in said special list all other financial transaction accounts that exist in the system* (see at least paragraph [0063]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the system of Liu et al. in view of Adam et al. to include one of several credit or bank accounts as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the system of Liu et al. in view of Adam et al. in this way since keeping several account numbers on the PDA allows a user to choose from one of those several account numbers when making a transaction (see at least paragraph [0063] of Shore).

Claim 12 –

As per claim 12, Liu et al. in view of Adam et al. teaches the system of claim 5 as described above. Liu et al. in view of Adam et al. do not explicitly disclose the following limitations:

- *wherein the special lists of said subscriber are stored in part or in totality in a memory of that subscriber's mobile telephony communication device, and/or in the memory of a subscriber identity module.*

Shore teach *wherein the special lists of said subscriber are stored in part or in totality in a memory of that subscriber's mobile telephony communication device, and/or in the memory of a subscriber identity module* (see at least paragraph [0063]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the system of Liu et al. in view of Adam et al. to include one of several

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credit or bank accounts as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the system of Liu et al. in view of Adam et al. in this way since keeping several account numbers on the PDA allows a user to choose from one of those several account numbers when making a transaction (see at least paragraph [0063] of Shore).

Claim 23 –

As per claim 23, Liu et al. teaches the system of claim 19 as described above. Liu et al. do not explicitly teach the following limitations:

- *wherein the financial transaction account number is stored in a contactless electronic microcircuit and can be read by a contactless reader.*

Shore teach *wherein the financial transaction account number is stored in a contactless electronic microcircuit and can be read by a contactless reader* (see at least paragraph [0063]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the system of Liu et al. in view of Adam et al. to include one of several credit or bank accounts as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the system of Liu et al. in view of Adam et al. in this way since keeping several account numbers on the PDA allows a user to choose from one of those several account numbers when making a transaction (see at least paragraph [0063] of Shore).

Claim 24 –

As per claim 24, Liu et al. in view of Adam et al. teaches the system of claim 19 as described above. Liu et al. in view of Adam et al. do not explicitly teach the following limitations:

- *wherein the financial transaction account number is stored in a subscriber identity module which has a contactless interface which can be read by a contactless reader.*

Shore teach *wherein the Financial Transaction Account number is stored in a Subscriber Identity Module which has a contactless Interface which can be read by a contactless reader* (see at least paragraph [0063]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the system of Liu et al. in view of Adam et al. to include one of several credit or bank accounts as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the system of Liu et al. in view of Adam et al. in this way since keeping several account numbers on the PDA allows a user to choose from one of those several account numbers when making a transaction (see at least paragraph [0063] of Shore).

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15. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. in view of Adam et al. as applied to claims 5, 7-8, 11, 13-19, 26, 28 above, and further in view of Hawkes (Designing Secure Systems, IEE Colloquium on).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 20 –

As per claim 20, Liu et al. teaches the system of claim 19 as described above. Liu et al. do not explicitly teach the following limitations:

- *wherein the financial transaction account number is printed in a barcode format on a card.*

Hawkes teaches *wherein the Financial Transaction Account number is printed in a barcode format on a card* (see at least page 6/1, paragraph 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the system of Liu et al. in view of Adam et al. to include a barcoded card as taught by Hawkes. One of ordinary skill in the art at the time of the invention would have been motivated to expand the system of Liu et al. in view of Adam et al. in this way since a barcoded card is an alternative for a magnetic strip card or a smart card used in financial transactions (see at least page 6/1, paragraph 4 of Hawkes).

16. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. in view of Adam et al. as applied to claims 5, 7-8, 11, 13-19, 26, 28 above, and further in view of Um (WO 03/023674).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 21 –

As per claim 21, Liu et al. in view of Adam et al. teaches the system of claim 19 as described above. Liu et al. in view of Adam et al. do not explicitly teach the following limitations:

- *wherein the financial transaction account number is printed in a barcode format on a sticker affixed on a mobile handset or a connectable electronic device.*

Um teaches wherein the Financial Transaction Account number is printed in a barcode format on a sticker affixed on a mobile handset or a connectable electronic device (see at least page 6/1, paragraph 4). It

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would have been obvious to one of ordinary skill in the art at the time of the invention to expand the system of Liu et al. in view of Adam et al. to include a barcoded mobile phone as taught by Um. One of ordinary skill in the art at the time of the invention would have been motivated to expand the system of Liu et al. in view of Adam et al. in this way since a barcoded mobile phone enables a credit card payment using a mobile phone device, without the need to carry any credit cards (see at least page 4, lines 6-9 of Um).

17. Claims 22, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. in view of Adam et al. as applied to claims 5, 7-8, 11, 13-19, 26, 28 above, and further in view of Gurnbok, Jr. et al. (US 6305603).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 22 –

As per claim 22, Liu et al. teaches the system of claim 19 as described above. Liu et al. do not explicitly teach the following limitations:

- *wherein the financial transaction account number is sent to the second subscriber's mobile handset or connectable electronic device through an infrared interface.*

Grunbok, Jr. et al. teach *wherein the financial transaction account number is sent to the second subscriber's mobile handset or connectable electronic device through an infrared interface* (see at least col. 3, ll. 15-25; 45-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the system of Liu et al. in view of Adam et al. to include a PDA and POS with infrared capabilities as taught by Grunbok, Jr. et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the system of Liu et al. in view of Adam et al. in this way since PDA and POS wireless interaction allows for convenient financial transactions and financial account access with immediate account updates via the PDA (see at least col. 1, ll. 7-12 of Grunbok, Jr. et al.).

Claim 25 –

As per claim 25, Liu et al. in view of Adam et al. teaches the system of claim 19 as described above. Liu et al. in view of Adam et al. do not explicitly teach the following limitations:

- *wherein the financial transaction account number is sent to the second subscriber's mobile handset or connectable electronic device through a short range radio interface.*

Grunbok, Jr. et al. teach wherein the financial transaction account number is sent to the second subscriber's mobile handset or connectable electronic device through a short range radio interface (see at least col. 3, ll. 15-25; 45-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the system of Liu et al. in view of Adam et al. to include a PDA and POS with infrared capabilities as taught by Grunbok, Jr. et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the system of Liu et al. in view of Adam et al. in this way since PDA and POS wireless interaction allows for convenient financial transactions and financial account access with immediate account updates via the PDA (see at least col. 1, ll. 7-12 of Grunbok, Jr. et al.).

Response to Arguments

18. Applicant's arguments with respect to claims 1-5, 7-25 have been considered but are moot in view of the new ground(s) of rejection.

19. The Examiner would like to point out the following with regard to the claims and Applicants arguments:

Conditional Language:

- i. The claims recite conditional/passive/optional language (i.e. if, can, and/or, or), and therefore, do not positively recite/require all limitations or elements. (a) As a matter of linguistic precision, optional claim elements do not narrow claim, since they can always be omitted; (b) language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation, see at least MPEP §2106 II C.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARAH M. MONFELDT whose telephone number is (571)270-1833. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm (EST) ALT Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571)272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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